

T. 11/3: 11/31

# Customs Bulletin

Regulations, Rulings, Decisions, and Notices  
concerning Customs and related matters



## and Decisions

of the United States Court of Customs and  
Patent Appeals and the United States  
Customs Court

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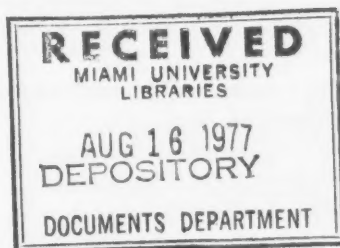
No. 31

*This issue contains*

T.D. 77-181 through 77-187

Protest abstracts P77/110 through P77/113

Reap. abstracts R77/54 through R77/59



THE DEPARTMENT OF THE TREASURY  
U.S. Customs Service

## NOTICE

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# U.S. Customs Service

## *Treasury Decisions*

(T.D. 77-181)

### *Leather Articles—Restriction on Entry*

Restriction on entry of certain leather articles containing textile materials

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
Washington, D.C., July 13, 1977.

There is published below directive of June 24, 1977, received by the Commissioner of Customs from the Acting Chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry for certain articles which are in chief value of leather containing textile materials.

This directive was published in the FEDERAL REGISTER on June 29, 1977 (42 FR 33053), by the Committee.

(QUO-2-1)

BEN L. IRVIN,  
for JOHN B. O'LOUGHLIN,  
Director,  
Duty Assessment Division.

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UNITED STATES DEPARTMENT OF COMMERCE  
The Assistant Secretary for Domestic  
and International Business  
Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

June 24, 1977.

COMMISSIONER OF CUSTOMS  
Department of the Treasury  
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

On May 27, 1977 there was published in the FEDERAL REGISTER (42 FR 15359) a notice temporarily suspending from textile agree-

ment restraints certain articles which are in chief value of leather containing textile materials, imported into the United States prior to May 1, 1977. On March 16, 1977, the Committee for the Implementation of Textile Agreements wrote to you cancelling the visa requirement for merchandise entered under TSUS 791.74 for the period extending through April 30, 1977. On April 25, 1977, that exemption was extended through May 31, 1977, and on May 26, 1977 it was further extended through June 30, 1977.

This letter extends through July 31, 1977 the authorization to release merchandise entered under TSUS 791.74 without such merchandise being subject to the visa requirements or being charged to the levels of restraint. Enclosed is a copy of a notice which will appear in the FEDERAL REGISTER in the near future. This notice will extend the temporary suspension as published on March 21, 1977, through July 31, 1977.

This letter will be published in the FEDERAL REGISTER.

Sincerely,

RONALD I. LEVIN  
*Acting Chairman, Committee for the  
Implementation of Textile Agreements*

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(T.D. 77-182)

*Cotton, Wool, and Manmade Fiber Textiles—Restriction on Entry*

Restriction on entry of cotton, wool, and manmade fiber textile products manufactured or produced in Macau

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
Washington, D.C., July 13, 1977.

There is published below directive of June 28, 1977, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning visa requirement for cotton, wool, and manmade fiber textile products in certain categories manufactured or produced in Macau. This directive further amends, but does not cancel, that Committee's directive of August 6, 1973 (T.D. 73-241).

This directive was published in the FEDERAL REGISTER on July 1, 1977 (42 FR 33786), by the Committee.

(QUO-2-1)

BEN L. IRVIN,  
for JOHN B. O'LOUGHLIN,  
Director,  
Duty Assessment Division.

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UNITED STATES DEPARTMENT OF COMMERCE  
The Assistant Secretary for Domestic  
and International Business  
Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

June 28, 1977.

COMMISSIONER OF CUSTOMS  
Department of the Treasury  
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

This directive further amends, but does not cancel, the directive of August 6, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1-64; wool textile products in Categories 101-126, 128, and 131-132; and man-made fiber textile products in Categories 200-243, produced or manufactured in Macau for which Macau had not issued an appropriate visa. One of the requirements is that each visa include the signature of a Macau official authorized to issue visas. The directive of August 6, 1973 was previously amended by directives of March 6, 1975, April 23, 1975, February 11, 1976 and May 6, 1976.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of March 3, 1975, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of August 6, 1973 is hereby further amended to authorize Angelo Bemdito Gal-

dino Dias and Joana Maria Sousa Santos to issue visas in addition to officials previously designated. A complete list of Macau officials currently authorized to issue visas is enclosed.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD

*Chairman, Committee for the Implementation  
of Textile Agreements, and Deputy Assistant  
Secretary for Resources and Trade Assistance*

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*Macau Officials Authorized to Issue Visas  
for Cotton, Wool and Man-Made Fiber Textile Products  
Exported to the United States*

Joaquim Leonel Ferreira Marinho de Bastos  
Armando Gil Lopes de Campos  
Olivia Maria dos Remedios Cesar  
Angelo Bemdito Galdino Dias  
Jose Bernardino Marques Ferreira  
Jose Francisco Cadario Ferreira Lino  
Joana Maria Sousa Santos

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(T.D. 77-183)

*Cotton, Wool, and Manmade Fiber Textiles—Restriction on Entry*

Restriction on entry of cotton, wool, and manmade fiber textile products  
manufactured or produced in the Republic of Korea

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
Washington, D.C., July 13, 1977.

There is published below directive of June 22, 1977, received by the Commissioner of Customs from the Acting Chairman, Committee for

the Implementation of Textile Agreements, amending the levels of restraint for cotton, wool, and manmade fiber textile products in certain categories manufactured or produced in the Republic of Korea. This directive further amends, but does not cancel, that Committee's directive of September 29, 1976 (T.D. 76-299).

This directive was published in the *FEDERAL REGISTER* on June 24, 1977 (42 FR 32341), by the Committee.

(QUO-2-1)

BEN L. IRVIN,  
for JOHN B. O'LOUGHLIN,  
Director,  
Duty Assessment Division.

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UNITED STATES DEPARTMENT OF COMMERCE  
The Assistant Secretary for Domestic  
and International Business  
Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

June 22, 1977.

COMMISSIONER OF CUSTOMS  
Department of the Treasury  
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

On September 29, 1976, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption or withdrawal from warehouse for consumption during the twelve-month period beginning on October 1, 1976 and extending through September 30, 1977 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

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<sup>1</sup> The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultational level may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraphs 5(b) and 7(a)(ii) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of June 26, 1975, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the provisions of Executive Order 11651, you are directed to amend, effective on June 27, 1977, the twelve-month levels of restraint established in the directive of September 29, 1976 for the following categories to the amounts indicated:

<i>Category</i>	<i>Amended Twelve-Month Level of Restraint<sup>2</sup></i>
48	24,025 dozen
49	54,612 dozen
116/117	461,257 pounds
120	301,221 numbers
121	191,254 numbers
219	4,134,520 dozen
221	2,837,106 dozen
pt. 224 <sup>3</sup>	33,581 dozen
228	943,223 dozen
229	762,834 dozen
235	1,407,353 dozen
237	157,111 numbers
238	205,759 dozen

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *FEDERAL REGISTER*.

Sincerely,

RONALD I. LEVIN

*Acting Chairman, Committee for the  
Implementation of Textile Agreements*

<sup>2</sup> The levels of restraint have not been adjusted to reflect any imports after September 30, 1976.

<sup>3</sup> In Category 224, only T.S.U.S.A. Numbers 380.0420 and 380.8143.



(T.D. 77-184)

*Cotton and Manmade Fiber Textile Products—Restriction on Entry*

Restriction on entry of cotton and manmade fiber textile products manufactured or produced in Macau

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
*Washington, D.C., July 13, 1977.*

There is published below directive of June 29, 1977, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, amending the levels of restraint for cotton and manmade fiber textile products in certain categories manufactured or produced in Macau. This directive amends, but does not cancel, that Committee's directive of December 29, 1976 (T.D. 77-46).

This directive was published in the FEDERAL REGISTER on July 6, 1977 (42 FR 34546), by the Committee.

BEN L. IRVIN,  
for JOHN B. O'LOUGHLIN,  
*Director,*  
*Duty Assessment Division.*

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UNITED STATES DEPARTMENT OF COMMERCE  
The Assistant Secretary for Domestic  
and International Business  
*Washington, D.C. 20230*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

*June 29, 1977.*

COMMISSIONER OF CUSTOMS  
*Department of the Treasury*  
*Washington, D.C. 20229*

DEAR MR. COMMISSIONER:

On December 29, 1976, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry, during the twelve-month period beginning on January 1, 1977 and extending through December 31, 1977, of cotton and man-made fiber

textile products, produced or manufactured in Macau, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.<sup>1</sup>

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraph 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed, effective on June 30, 1977, to amend the levels of restraint established in the directive of December 29, 1976 for Categories 49, 50/51 and 229 to the following:

<i>Category</i>	<i>Amended Twelve-Month Level of Restraint<sup>2</sup></i>
49	74, 546 dozen
50/51	239, 416 dozen
229	169, 634 dozen

The actions taken with respect to the Government of Portugal and with respect to imports of cotton and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **FEDERAL REGISTER**.

Sincerely,

ROBERT E. SHEPHERD

*Chairman, Committee for the Implementation  
of Textile Agreements, and Deputy Assistant  
Secretary for Resources and Trade Assistance*

<sup>1</sup> The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 3, 1975, as amended, between the Governments of the United States and Portugal which provide, in part, that: (1) within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

<sup>2</sup> The levels of restraint have not been adjusted to reflect any imports after December 31, 1976.

(T.D. 77-185)

*Wool and Manmade Fiber Textile Products—Restriction on Entry*

Restriction on entry of wool and manmade fiber textile products manufactured or produced in Romania

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
*Washington, D.C., July 13, 1977.*

There is published below directive of June 21, 1977, received by the Commissioner of Customs from the Acting Chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry for wool and manmade fiber textile products in certain categories manufactured or produced in Romania. This directive cancels and supersedes that Committee's directive of December 16, 1976 (T.D. 77-42).

This directive was published in the *FEDERAL REGISTER* on June 23, 1977 (42 FR 31825), by the Committee.

(QUO-2-1)

BEN L. IRVIN,  
*for JOHN B. O'LOUGHLIN,*  
*Director,*  
*Duty Assessment Division.*

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UNITED STATES DEPARTMENT OF COMMERCE  
The Assistant Secretary for Domestic  
and International Business  
*Washington, D.C. 20230*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

*June 21, 1977.*

COMMISSIONER OF CUSTOMS  
*Department of the Treasury*  
*Washington, D.C. 20229*

DEAR MR. COMMISSIONER:

This directive cancels and supersedes the directive issued to you on December 16, 1976 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit

entry of wool and man-made fiber textile products in Categories 120 and 237, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on December 23, 1976.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of June 20, 1977, between the Governments of the United States and the Socialist Republic of Romania, and in accordance with the provisions of Executive Order 11651 of March 2, 1972, you are directed to prohibit, effective on June 23, 1977 and for the twelve-month period beginning on January 1, 1977 and extending through December 31, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in Categories 120, 121, 122, 218/219/224 pt., 221, part of 224, 229/224 pt., and 237, produced or manufactured in Romania, in excess of the following levels of restraint:

<i>Category</i>	<i>Adjusted Twelve-Month Level of Restraint<sup>1</sup></i>	
120	74 374	numbers
121	43,316	numbers
122	73,024	numbers
218/219/224 pt. <sup>2</sup>	2,340,048	square yards equivalent
221	184,978	dozen
224 pt. <sup>3</sup>	281,904	pounds
229/224 pt. <sup>4</sup>	1,500,000	square yards equivalent
237	136,345	numbers

Wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Romania, which have been exported to the United States prior to January 1, 1977, shall not be subject to this directive.

Wool and man-made fiber textile products in the foregoing categories, which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

<sup>1</sup> The levels of restraint have been adjusted to reflect imports from January 1, 1977 through April 30, 1977.

<sup>2</sup> In Category 224, only T.S.U.S.A. numbers 382.0455 and 382.7879.

<sup>3</sup> All T.S.U.S.A. numbers in Category 224 except those listed in footnotes 2 and 4.

<sup>4</sup> In Category 224, only T.S.U.S.A. numbers 380.0402 and 380.8103.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of June 20, 1977, between the Governments of the United States and the Socialist Republic of Romania which provide, in part, that: (1) with the exception of Categories 120, 221 and 237 for which these adjustments have already been made for this year, specific limits within the applicable group limits may be exceeded by designated percentages to account for flexibility; (2) all specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the applicable group limits upon agreement between the two governments; and (4) administrative arrangement or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the foregoing provisions of the bilateral agreement will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of wool and man-made fiber textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

CHARLES E. RAYMOND  
*Acting Chairman, Committee for the  
Implementation of Textile Agreements*

(T.D. 77-186)

*Cotton, Wool and Manmade Fiber Textile Products—Restriction on Entry*

Restriction on entry of cotton, wool, and manmade fiber textile products manufactured or produced in Colombia

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
Washington, D.C., July 13, 1977.

There is published below directive of June 30, 1977, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning restriction on entry for cotton, wool, and manmade fiber textile products in certain categories manufactured or produced in Colombia.

This directive was published in the FEDERAL REGISTER on July 1, 1977 (42 FR 33787), by the Committee.

(QUO-2-1)

BEN L. IRVIN,  
for JOHN B. O'LOUGHLIN,  
Director,  
Duty Assessment Division.

UNITED STATES DEPARTMENT OF COMMERCE  
The Assistant Secretary for Domestic and  
International Business  
Washington, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

June 30, 1977.

COMMISSIONER OF CUSTOMS  
Department of the Treasury  
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of May 28, 1975, between the Governments of the United States and Colombia, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on July 1, 1977 and for the twelve-month period extending through June 30, 1978, entry into the United States for consumption and

withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1-4, 9/10, 22/23, wool textile products in Categories 120 and 121, and man-made fiber textile products in Categories 219, 221, 224, and 229 in excess of the following levels of restraint:

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
1-4	6, 371, 617 pounds
9/10	7, 556, 340 square yards
22/23	12, 593, 900 square yards
120	134, 130 units
121	86, 071 units
219	236, 962 dozen
221	66, 672 dozen
224	1, 429, 290 pounds
229	162, 367 dozen

In carrying out this directive, entries of cotton, wool and man-made fiber textile products in the foregoing categories, produced or manufactured in Colombia and exported to the United States prior to July 1, 1977, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period July 1, 1976 through June 30, 1977. In the event the levels of restraint established for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of May 28, 1975, between the Governments of the United States and Colombia, which provide, in part, that: 1) within the aggregate and applicable group limits, specific limits may be exceeded by designated percentages; 2) specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and 3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the *FEDERAL REGISTER* on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220), December 30, 1971 (41 FR 56881), January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.



The actions taken with respect to the Government of Colombia and with respect to imports of cotton, wool and man-made fiber textile products from Colombia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ROBERT E. SHEPHERD

*Chairman, Committee for the Implementation  
of Textile Agreements, and Deputy Assistant  
Secretary for Resources and Trade Assistance*

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(T.D. 77-187)

*Rules of the United States Customs Court*

Amendments to the Rules of the United States Customs Court; effective  
September 1, 1977

DEPARTMENT OF THE TREASURY,  
OFFICE OF THE COMMISSIONER OF CUSTOMS,  
Washington, D.C., July 18, 1977.

There is published for information and guidance an amendment to the Rules of the United States Customs Court which are effective September 1, 1977.

The Court Rules were heretofore published in T.D. 70-180 of August 20, 1970, and amendments were published in T.D. 70-260, T.D. 72-126, T.D. 73-193, T.D. 74-148, T.D. 75-25, T.D. 75-189, and T.D. 76-35.

(PRO-1-03)

G. R. DICKERSON,  
*Acting Commissioner of Customs.*

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RULES OF THE UNITED STATES CUSTOMS COURT

Amendments to rules 3.6(b), 4.12(c), 8.3(b), 9.1(d), 14.6(c) and (e), 14.8(b), (c) and (e), and the deletion of rule 14.7(d) have been approved by the court. The amended rules, effective September 1,



1977, will read as follows (deletions in brackets; new language underscored):

### RULE 3.6 TIME

(b) Extension:

(1) [Except as provided in Rules 14.6(e) and 14.8(e),] When, by these rules or by a notice given thereunder or by order of the court, an act is required or allowed to be done at or within a specified time, the court may upon motion, for good cause shown, order the period extended.

(2) Every motion for extension of time must set forth therein the specific number of additional days requested, the date to which the extension is to run, the extent to which the time for the performance of the particular act has been previously extended, and the reason or reasons upon which the motion for extension is based, and shall be filed [no later than 5 days] prior to the expiration of the period allowed for the performance of the act to which the motion relates (including any previous extension of time). An objection or response thereto shall be filed within [5] 10 days after service of such motion. The foregoing requirement as to filing may be waived by the court upon a showing, in a separate motion for leave to file out of time, that the delay in filing was the result of excusable neglect or circumstances beyond the control of the party.

(3) A moving party may obtain oral consent from the adversary party to the extension of time requested and, if obtained, shall so state in the moving papers. In such case the adversary party is not required to file any response to the motion, but may do so, if he so desires within 10 days after service of such motion.

(4) No disposition shall be made until the court acts upon the motion for extension of time.

(5) If the motion for an extension of time is denied and less than [5] 10 days remain of the time to perform the act, or the time to perform the act has expired, the act may be performed within [5] 10 days after the court enters the order denying the extension of time.

### RULE 4.12 MOTION PRACTICE

(c) Time To Respond: [Except as provided in Rules 3.6(b), 14.6(e) and 14.8(e),] An objection or response to a contested motion shall be filed within 10 days after service of such motion, except that an objection or response to a dispositive motion, i.e., a motion to

dismiss the action, a motion for judgment on the pleadings, and a motion for summary judgment, shall be filed within 30 days after service of such motion. On a dispositive motion the moving party shall have 15 days from the date of service of the objections or response to file a reply.

### RULE 8.3 DISMISSAL OF ACTIONS

#### (b) Involuntary Dismissal:

(1) Actions in the reserve file or suspension disposition file are subject to dismissal at the expiration of the applicable period of time in accordance with Rule 14.6 or Rule 14.8.

(2) An unassigned action in which issue has been joined, but no further proceedings have been instituted for a period of 1 year, [may] shall be dismissed [by the court on its own motion] for lack of prosecution, and unless [good cause is shown for such delay.] the plaintiff has pending a motion for extension of time, the clerk shall enter an order of dismissal without further direction of the court.

At least 30 days prior to the entry of an order of dismissal, the clerk shall send notice to the parties informing them that the action will be dismissed in accordance with this rule.

For good cause shown the court may, upon motion, order an extension of time solely for the purpose of moving the action toward a final disposition by trial or otherwise, upon such terms and within such time as the court may direct.

(3) Whenever it shall appear that [an] any assigned or unassigned action is not being prosecuted with due diligence, the court may, either upon its own motion or upon motion of the defendant, order the action dismissed for lack of prosecution.

(4) For failure of the plaintiff to comply with these rules or with any order of the court, the defendant may move that the court dismiss the action.

### RULE 9.1 NOTICE OF TRIAL

(d) Objection to Date or Place: Any other party to the action who prefers the trial to be held at a place or on a date other than that requested in the notice of trial, shall, within 15 days after service of the notice of trial, file a request showing the other place where, or the other date when, he would prefer the trial to be held, together with a statement of the reasons for the request, and shall include in

such request an estimate of the time that will probably be required for the examination of his witnesses at such other place or on such other date. If the responding party does not file an objection to a notice of trial, he shall estimate the time for examination and cross-examination of his witnesses.

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RULE 14.6 RESERVE FILE

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(c) Dismissal for Lack of Prosecution: An action which is not removed from the reserve file within a period of 2 years shall be dismissed for lack of prosecution, and unless [the plaintiff] either party has [pending] a motion pending, [for extension of time,] the clerk shall enter an order of dismissal without further direction of the court. The applicable 2-year period shall begin to run from the last day of the month in which the action is commenced, and shall end on the last day of the 24th month thereafter. No order of dismissal shall be entered under this rule until the court has acted on the pending motion. If the pending motion is denied and less than 10 days remain, or the time has expired for removing such action from the reserve file pursuant to paragraph (b) of this rule, then the action shall continue to remain in the reserve file for 10 days after the court enters the order denying the motion.

\* \* \* \* \*

(e) Motion for Extension of Time: For good cause shown, the court may, upon motion, order an extension of the time, beyond the applicable 2-year period, within which an action may remain in the reserve file. Any motion for extension of time shall be filed with the clerk prior to the expiration of the period of time. An objection or response thereto shall be filed within [5] 10 days after service of such motion. A moving party may obtain oral consent from the adversary party to the extension of time requested and, if obtained, shall so state in the moving papers. In such case the adversary party is not required to file any response to the motion, but may do so, if he so desires within 10 days after service of such motion. No order of dismissal shall be entered under Rule 14.6(c) until the court has acted on the motion. If the motion for extension of time is denied and less than 10 days remain, or the time has expired, for removing such action from the reserve file pursuant to paragraph (b) of this rule, then the action shall continue to remain in the reserve file for 10 days after the court enters the order denying the extension of time.

## RULE 14.7 SUSPENSION PROCEDURE

\* \* \* \* \*

[(d) Denial of Motion: [Delete entire rule.]]

(d) Effect of Suspension: An order suspending an action shall stay all further proceedings and filing of papers therein, unless the court directs otherwise.

(e) Removal from Suspension: A suspended action may be removed from suspension by filing (1) a complaint, (2) notice of trial after issue is joined, or (3) submission of the action to the court for decision upon an agreed statement of facts. Upon motion of a party for removal from suspension for the purpose of moving the action toward a final disposition by trial or otherwise, the court may order the removal upon such terms and within such time as it may direct.

## RULE 14.8 SUSPENSION DISPOSITION FILE

\* \* \* \* \*

(b) Removal from Suspension Disposition File: An action may be removed from a suspension disposition file upon: (1) the [filing] granting of a motion for removal; or (2) the filing of a complaint or answer subsequent to suspension pursuant to Rule 4.4; or (3) the granting of a motion for consolidation pursuant to Rule 10.3 or for suspension under another action pursuant to Rule 14.7(b); or (4) submission of the action to the court for decision upon an agreed statement of facts pursuant to Rule 8.1 or upon the [filing] granting of a dispositive motion; or (5) the filing of a notice of trial pursuant to Rule 9.1. Such motion for removal shall be made solely for the purpose of moving the action toward a final disposition by trial or otherwise, upon such terms and within such time as the court may direct. The motion shall specify the further proceedings desired to be taken and shall be submitted together with a proposed order specifying such further proceedings. A motion for removal or any other motion made pursuant to this paragraph shall be filed [no later than 15 days] prior to the expiration of the time within which the action may remain in the suspension disposition file. An objection or response to a motion for removal shall be filed within 10 days after service of the motion.

An objection or response to a dispositive motion shall be filed within 30 days.

No order of dismissal shall be entered under Rule 14.8(c) until the court has acted upon the motion made pursuant to this paragraph. If the motion is denied and less than 10 days remain, or the time has expired, for removing the action from the suspension disposition file, then the action shall continue to remain in the suspension

disposition file for 10 days after the court enters the order denying the motion.

(c) Dismissal for Lack of Prosecution: An action which is not removed from the suspension disposition file within a fixed period of time shall be dismissed for lack of prosecution, and unless [the plaintiff] either party has [pending] a motion pending, [for extension of time,] the clerk shall enter an order of dismissal without further direction of the court. The period of time, not to exceed 18 months, within which an action may remain in the suspension disposition file shall be fixed by the judge to whom the action has been assigned, or by the judge who decided the action under which the actions transferred to the suspension disposition file were suspended. No order of dismissal shall be entered under this rule until the court has acted on the pending motion. If the pending motion is denied and less than 10 days remain, or the time has expired for removing such action from the suspension disposition file pursuant to paragraph (b) of this rule, then the action shall continue to remain in the suspension disposition file for 10 days after the court enters the order denying the motion.

\* \* \* \* \*

(e) Motion for Extension of Time: For good cause shown, the court may, upon motion, order an extension of time beyond the applicable fixed period of time within which an action may remain in the suspension disposition file. A motion for extension of time shall be filed with the clerk prior to the expiration of the period of time. An objection or response thereto shall be filed within [5] 10 days after service of such motion. A moving party may obtain oral consent from the adversary party to the extension of time requested and, if obtained, shall so state in the moving papers. In such case the adversary party is not required to file any response to the motion, but may do so, if he so desires within 10 days after service of such motion. No order of dismissal shall be entered under Rule 14.8(c) until the court has acted on the motion. If the motion for extension of time is denied and less than 10 days remain, or the time has expired, for removing said action from the suspension disposition file pursuant to paragraph (b) of this rule, then the action shall continue to remain in the suspension disposition file for 10 days after the court enters the order denying the extension of time.

\* \* \* \* \*

# Decisions of the United States Customs Court

United States Customs Court

One Federal Plaza  
New York, N.Y. 10007

*Chief Judge*

Edward D. Re

*Judges*

Paul P. Rao  
Morgan Ford  
Scovel Richardson  
Frederick Landis

James L. Watson  
Herbert N. Maletz  
Bernard Newman  
Nils A. Boe

*Senior Judge*

Samuel M. Rosenstein

*Clerk*

Joseph E. Lombardi

## *Abstracts* *Abstracted Protest Decisions*

DEPARTMENT OF THE TREASURY, July 11, 1977.

The following abstracts of decisions of the United States Customs Court at New York are published for the information and guidance of officers of the customs and others concerned. Although the decisions are not of sufficient general interest to print in full, the summary herein given will be of assistance to customs officials in easily locating cases and tracing important facts.

ROBERT E. CHASEN,  
*Commissioner of Customs.*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	ASSESSED		HELD		BASIS	PORT OF ENTRY AND MERCHANDISE
				Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate	Par. or Item No. and Rate		
P77/110	Maletz, J. July 6, 1977	Tilford Imports, Inc., dba Karol Western Corp.	75-3-00730	Item 737.90 17.5%	Item 734.20 5.5%			Judgment in the pleadings	Los Angeles Pachinko game sets
P77/111	Watson, J. July 7, 1977	Sol Spitz Co., Inc.	74-5-01284, etc.	Item 748.21 42.5%	Item 642.97 9.5% or 4.5%			Hub Floral Corporation v. U.S. (C.D. 959)	New York Cheulie stoms
P77/112	Maletz, J. July 7, 1977	Osawa & Co. (U.S.A.), Inc.	75-1-00246, etc.	Item 734.77 7.5% on full value of as- sembled golf clubs	Items 734.77/ 807.00 7.5% on full value of clubs, less cost or value of U.S. prod- ucts (shafts and grips)			Agreed statement of facts	San Francisco American goods returned; shafts and grips; U.S. components of golf clubs
P77/113	Boe, J. July 7, 1977	Fibre Metal Pacific, Inc.	76-4-00654	Item 705.50 25%	Item 705.35 15%			Agreed statement of facts	Los Angeles Gloves of horsehide or cow- hide (except calfskin) leather



# Decisions of the United States Customs Court

## *Abstracts*

### *Abstracted Reappraisal Decisions*

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	BASIS	PORT OF ENTRY AND MERCHANDISE
R77/64	Maletz, J. July 6, 1977	F & D Trading Corp.	R67/15930	Cost of production	3349.00 DM (1 model 113); 3436.40 DM each (16 model 117); invoice unit prices (5 miscel- laneous models)	Judgment on the plead- ings	New York Volkswagen auto- mobiles (model nos. 113, 117, etc.)
R77/65	Maletz, J. July 6, 1977	F & D Trading Corp.	R67/17262	Cost of production	3494.48 DM each (3 model 113)	Judgment on the plead- ings	New York Volkswagen auto- mobiles (model no. 113)



R77/56	Maletz, J. July 6, 1977	F & D Trading Corp.	R68/1669	Cost of production	3363.00 DM each (9 model 113; invoice unit value (2 model 311)	Judgment on the plead- ings	New York Volkswagen auto- mobiles (model nos. 113, 311)
R77/57	Maletz, J. July 6, 1977	F & D Trading Corp.	R68/0061	Cost of production	3888.23 DM each (23 model 113); 3948.13 DM each (5 model 117)	Judgment on the plead- ings	New York Volkswagen auto- mobiles (model nos. 113, 117)
R77/58	Maletz, J. July 6, 1977	F & D Trading Corp.	R68/0002	Cost of production	3868.23 DM each (22 model 113); 3946.19 DM each (3 model 117)	Judgment on the plead- ings	New York Volkswagen auto- mobiles (model nos. 113, 117)
R77/59	Maletz, J. July 7, 1977	Daisy-Heddon, Divi- sion of Victor Comptometer Corporation	74-10-02883	Export value	Full f.o.b. values of mer- chandise, i.e., the in- voiced ex-factory unit values, plus shipping charges, plus buying commission	Agreed statement of facts	Houston Toy guns

## Rehearing Motion Filed

JULY 8, 1977

Carmichael International Service v. United States, Court Nos. R70/9113, etc.—WIGS—C.D. 4700. Motion by plaintiff.

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Decision on Petition for Rehearing Before the  
United States Court of Customs and Patent Appeals

JULY 7, 1977

APPEAL 76-25.—Walker International Corp. v. United States.

APPEAL 76-26.—Walker Trading Corp. v. United States. FAILURE TO FILE SUBSTITUTION OF ATTORNEYS—ACTIONS DISMISSED.—Orders of January 23, 1976 (not published), reh. denied March 22, 1976, affirmed May 12, 1977. C.A.D.'s 1190 and 1191. Petition filed by appellants on June 2, 1977 denied.

## Index

### U.S. Customs Service

	T.D. No.
Cotton and manmade fiber textiles; restriction on entry; Macau.....	77-184
Cotton, wool, and manmade fiber textile products; restriction on entry:	
Colombia.....	77-186
Korea, Republic of.....	77-183
Macau.....	77-182
Leather articles; restriction on entry; visa requirement.....	77-181
Rules of the United States Customs Court.....	77-187
Wool and manmade fiber textile products; restriction on entry; Romania..	77-185

### Custom Courts

#### Rehearings:

    U.S. Court of Customs and Patent Appeals (p. 24): denied:

#### Appeals:

            76-25 and 76-26—Failure to file substitution of attorneys; actions dismissed.

    U.S. Customs Court (p. 24): applied for: Wigs. C.D. 4700

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**U.S. CUSTOMS SERVICE**  
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